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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,441	03/07/2001	Raymond M. Broemmelsiek	C4-971A:US (23336-20)	7109

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EXAMINER	
HUBER, JEREMIAH C	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/801,441	BROEMMELSIEK ET AL.	
	Examiner	Art Unit	
	Jeremiah C. Huber	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-30 and 40-45 rejected under 35 U.S.C. 102(e) as being anticipated by Randall (6727938) for the same reasons as set forth in the office action dated 8/31/2006.

In regard to claim 28 Randall discloses a method for defining a control zone in a field of view of a motion video camera the method including:

displaying motion video data representative of the field of view of the motion video camera (Randall fig. 2A and col.4 lines 36-47) ;

receiving indication of a tracking zone within the field of view (Randall col. 4 lines 46-58 note unless otherwise specified the entire field of view is monitored);

receiving indication of a selected region within the tracking zone having a selectable control zone type (Randall fig. 2B and col. 4 line 59 to col. 5 line 17); and

receiving indication of a control zone size for the selected region within the tracking zone (Randall figs. 2B and 5 and col. 6 line 61 to col. 7 line 8);

In regard to claim 29 refer to the statements made in the rejection of claim 28 above. Randall further discloses displaying graphics representative of the control zone size in association with the field of view and the motion video data (Randall figs. 2B and 5 and col. 6 line 61 to col. 7 line 8).

In regard to claim 30 refer to the statements made in the rejection of claim 28 above. Randall further discloses use of a 'block out' zone (Randall fig. 2B and col. 4 line 59 to col. 5 line 17 note only one element is necessary for anticipation of a Markush group).

In regard to claim 40 Randall discloses a system for defining control zones of different types in a field of view of a motion video camera, the camera system including:

a database containing a description for each of a plurality of control zone types (Randall fig 5 #540 450 and 460 and col. 7 lines 9 to 38 note the database formed by the elements 540, 450 and 460 describes the masked or 'black-out' and tracking zones for each view);

means for defining a plurality of control zones in a selected area of the field of view of the motion video camera, the control zones being of a type selected from the plurality of control zone types in the database and defining a tracking behavior for the control zone (Randall figs. 2B and 5 and col. 6 line 61 to col. 7 line 8 note control zone type is selected from mask or 'black out' #460 and tracking #450); and

means for displaying a received motion video signal from the motion video camera including an indication of the defined control zones (Randall figs. 2A&B and col.4 lines 36-47 and col. 6 line 61 to col. 7 line 8).

In regard to claim 41 refer to the statements made in the rejection of claim 40 above. Randall further discloses providing a graphical representation of a size of the selected area of the field of view with the received motion video signal (Randall figs. 2B and 5 and col. 6 line 61 to col. 7 line 8).

In regard to claim 42 refer to the statements made in the rejection of claim 31 above.

In regard to claims 43- 45 refer to the statements made in the rejection of claims 28-30 above.

Claim Rejections - 35 USC § 103

Claims 31-39 and 46-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randall in view of Kageyama (5552823) for the same reasons as set forth in the office action dated 8/31/2006.

In regard to claim 31 Randall discloses a video surveillance method as stated in the rejection of claim 28 above. Randall further discloses detecting movement in a field of view of the motion video camera (Randall fig. 1 #130 and col. 4 lines 36-47) and determining if the moving object is in a tracking origination zone (Randall col. 4 line 59 to col. 5 line 17). It is noted that Randall does not disclose details of tracking. However the 'defining' and tracking of objects was common and notoriously well known in the art at the time of the invention as is shown by Kageyama (Kageyama fig. 1 and col. 4 lines 30 to 46 note the tracked object is 'defined' by a window frame that encloses the moving object). It is therefore considered obvious that one of ordinary skill in the art would

recognize the advantage of including in Randall object tracking as taught by Kageyama in order to detect moving direction and movement distance as suggested by Kageyama (Kageyama col. 3 lines 26 to 31).

In regard to claim 32 refer to the statements made in the rejection of claim 31 above. Randall further discloses determining if the moving object has entered a new control zone type (Randall col. 4 line 59 to col. 5 line 17), determining if the new control zone type is a tracking continuation zone, repeating tracking procedures if the new control zone is a tracking continuation zone (Randal col. 4 lines 36-47 note the unmasked or tracking areas will continue to detect a moving object unless it enters a masked portion of the image).

In regard to claim 33 refer to the statements made in the rejection of claim 31 above. . Randall further discloses determining if the moving object has entered a new control zone type (Randall col. 4 line 59 to col. 5 line 17), determining if the new control zone type is a tracking continuation zone, repeating tracking procedures if the new control zone is a tracking continuation zone (Randal col. 4 lines 36-47 note the unmasked or tracking areas will stop to detecting a moving object if it enters a masked portion of the image).

In regard to claim 34 refer to the statements made in the rejection of claims 30-31 above.

In regard to claims 46-49 refer to the statements made in the rejections of claims 31-34 and 43 above.

Claims 35-39 and 50-54 are rejected over Randall in view of Kageyama as set forth in the rejection of claims 34 and 49 above. Randall in view of Kageyama discloses an entry zone where tracking is both originated and continued (Randall col. 4 line 36 to col. 5 line 17 note unmasked area), and a black-out zone (Randal col. 4 line 59 to col. 5 line 17 note masked area). It is noted that neither Randall nor Kageyama explicitly disclose the use of privacy or exclusion zones however the official notice taken in regard to the use of privacy and exclusion zones in previous actions has not been challenged and is therefore considered as admitted prior art. It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would have recognized the advantage of further modifying Randall in view of Kageyama to include privacy and exclusion zones for the at least the same reasons as set forth in the previous actions.

Response to Arguments

In response to the applicant's arguments made in regard to the independent claims, the applicant asserts that Randall fails to disclose a selectable control zone type, specifically that Randall only discloses blocking, or black-out zones, and therefore does not disclose selecting a control zone type or selecting special processing associated with more than one control zone. The examiner must respectfully disagree. Randall clearly discloses at least two different types of control zones. The first being the 'tracking zone' which is monitored for movement and is selected by default (Randall col. 4 lines 46-58 note unless otherwise specified the entire field of view is monitored). The

second being the blocking, or black-out, zone (Randall fig. 2B and col. 4 line 59 to col. 5 line 17). A user can then select a region to use one control zone type or the other by creating or modifying a mask for the particular view (Randall Col. 7 lines 4 to 49). Since the images of Randall can be subject to at least two separate types of processing based on defined zones the examiner believes that Randall discloses selectable control zone type. The applicant's arguments seem to distinguish the tracking zone as not being a control zone type, however the tracking zone is a defined area of the picture in which certain processing rules are applied which makes it a control zone as understood by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Glier et al discloses a vehicle tracker system that uses defined video zones.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremiah C Huber
Examiner
Art Unit 2621

YOUNG LEE
PRIMARY EXAMINER